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Before The **DOCKET FILE COPY ORIGINAL**
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS GULF
COAST, L.L.C., *et. al.*

Complainants,

v.

GULF POWER COMPANY,

Respondent.

E.B. Docket No. 04-381

**STIPULATED REQUEST FOR SECOND EXTENSION OF TIME
TO FILE MOTIONS TO COMPEL**

The Florida Cable Telecommunications Association, Inc., Cox Communications Gulf Coast, L.L.C., Comcast Cablevision of Panama City, Inc., Mediacom Southeast, L.L.C., and Bright House Networks, L.L.C. ("Complainants"), by their attorneys and pursuant to 47 C.F.R. § 1.205, hereby respectfully submit this stipulated request seeking a second extension of time to file motions to compel answers to their interrogatories and/or requests for document production served on April 18, 2005 on Gulf Power Company ("Gulf Power"), pursuant to Chief Administrative Law Judge Sippel's Order, dated April 25, 2005 ("Order").¹

Good cause exists for granting this second request. When the Court first allowed Complainants an extension on April 25, 2005, it was based on the fact that on April 19, 2005, Complainants received from Gulf Power 1,610 pages of documents in response to Complainants'

¹ *In re Florida Cable Telecommunications Ass'n, Inc., et al. v. Gulf Power Co.*, Order, EB Docket No. 04-381, FCC 05M-25 (rel. Apr. 25, 2005), *clarified* April 25, 2005 (hereinafter "Order").

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requests for document production. In several places in Gulf Power's responses to Complainants' interrogatories and requests for document production, however, Gulf Power indicated that it would make responsive documents available for inspection and copying in Gulf Power's offices located throughout its service territory, upon reasonable notice. *Order* at pp.1-2. The Court recognized that counsel for Complainants needed to arrange travel to northwestern Florida to inspect and review, designate for copying and await receipt of these documents before it could determine whether motions to compel would be necessary. *Id.*

At the time of seeking the first extension, Complainants' counsel had already contacted Gulf Power's counsel to try and schedule a visit to review these documents. It was apparent, however, that the visit and receipt of responsive documents from Gulf Power would not occur before April 25, 2005, the time period under the rules within which Complainants would have had to file motions to compel.² Accordingly, Complainants sought, and the Court granted an extension of time to file motions to compel until May 23, 2005, so as to allow for the inspection, review and receipt of receipt of copies of the Gulf Power documents that Complainants would need to review to determine if any motion to compel answers to interrogatories or for production of documents was necessary.³

While the Commission does not routinely grant extensions of time, the circumstances here warrant a grant of this second Stipulated Request. Counsel for Complainants and Gulf power negotiated in good faith since the time of production and the first request for extension to set a time and place consistent with counsel's schedules, the need for Gulf Power to retrieve and assemble as many as 20 boxes of documents from various locations, and then and agree on a

² See 47 C.F.R. § 1.323(c) ("Any party to the proceeding may, within 7 days, move for an order with respect to any objection or other failure to answer an interrogatory.") and 47 C.F.R. § 1.325(a)(2) ("Motions to compel must be filed within five business days of the objection or claim of privilege.").

³ *Order* at 2.

location or locations where the documents could be reviewed by Complainants' counsel in a single two-day review. Because of scheduling constraints of counsel, the earliest time that Counsel for the Complainants and Gulf Power could agree to is May 26th and 27th.⁴

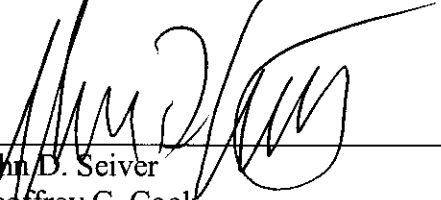
Absent this second extension of time, Complainants will not be able to review the documents before the currently established date of May 23rd to determine whether they must file motions to compel. Moreover, any motion to compel could be met with a response that the responsive information is available in yet to be reviewed documents. An extension will also ensure that the parties and the Commission can proceed with an appropriate record in this proceeding. Finally, neither the public nor any other party will be prejudiced by this brief delay and counsel for Gulf Power and the Enforcement Bureau have consented to this second requested extension.

Accordingly, Complainants respectfully request that the Commission grant this Stipulated Request for Second Extension of Time to File Motions to Compel and allow Complainants 14 days from the date they receive copies of the Gulf Power documents for Complainants to file any necessary motions to compel.

⁴ Counsel for Gulf Power initially informed Counsel for Complainants that these dates were not convenient, but after discussion, Gulf Power rearranged schedules and made the necessary arrangements so document review would not be further delayed into June.

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L.L.C., and BRIGHT HOUSE NETWORKS, L.L.C.**

May 19, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Stipulated Request for Second Extension of Time to File Motions to Compel* has been served upon the following by electronic mail and U.S. Mail on this the 19th day of May, 2005:

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